

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30045 of 2023

Arising Out of PS. Case No.-1049 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

DABLOO RAI @ PREM PRATAP RAI SON OF SRI RAM PRATAP RAI
Resident of Village Raidih Manua, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv. Mr. Ritwik Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s :		Mr.Bharat Lal, A.P.P.
For the Informant	:	Mr. Manish Chandra Gandhi, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 1049 of 2022 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant rushed towards the shop of her husband having heard the sound of firing and sound of screaming of her servant. It is further alleged that when she reached there, she saw that co-accused Kalam Rai and Jhulan Rai were fleeing away from the spot with pistol in their hands. It is further alleged that when informant entered the shop, she found that her husband was shot upon his head and chest and



thereafter, informant's husband was taken to the hospital where the doctor declared him dead. It is further alleged that there was an old dispute between both the parties and on the basis of suspicion petitioner has been made accused in this case.

Learned counsel for the petitioner submits that on similar allegation co-accused Pawan Rai has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 25710 of 2023 and the case of present petitioner stands on similar footing. He further submits that after investigation final form has been submitted against the present petitioner as the petitioner has not been sent up for trial. He further submits that petitioner is innocent and he has falsely been implicated in the present case. Moreover, petitioner is in custody since 15.01.2023 and bears no criminal antecedent. He further submits that there is nothing on record to demonstrate the complicity of the present petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, on similar allegation co-accused has already been granted bail by the co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on



bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 1049 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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